

FINDING OF FACTS
Torch River RV Park
2020-01 Special Use
12918 Torch River Road

Applicant: James and Lori Brewer
10150 Greenwood Road
Gladwin, MI 48624

Case Summary:

Parcel Number: 05-12-006-047-00
Zoning: V – Village
Use: Recreation Vehicle Seasonal Park (117.1102) Special Land Use

James and Lori Brewer have submitted an application for a special land use to construct an 80-unit recreational vehicle seasonal park with access to Torch River Road. The proposed RV Park would account for most of the property acreage, leaving some additional undeveloped property north and south of the park. Other property owners adjacent to the proposed project include Terry Roote (05-12-006-049-00) on the north, Grand Traverse Regional Land Conservancy (05-12-007-001-01 and 05-12-112-001-00) on the south, and James and Lori Brewer (05-12-101-020-10) on the west. Torch River Road borders the east portion of the property, and Miller Road borders the west side of the proposed project.

In 2019 and 2020, the Applicant applied for and received soil erosion permits from Antrim County Conservation District, an agency for Antrim County, to sculpt and develop the property for an RV Park and campground (per descriptions on the permits) (Antrim County Conservation District). The grading of the site commenced without the necessary approvals for Milton Township. In the summer of 2020, several significant rain events caused substantial erosion on the site and the adjacent property owned by Terry Roote. This event triggered inquiries into the property's zoning status, resulting in a stop-work order to cease further grading and construction until the necessary local unit reviews and determinations were completed. Antrim County Conservation District issued an additional permit to stabilize the property abutting Miller Road to remediate soil erosion issues.

Background Documents:

The following documents are included as part of the public record. This list may not be all-inclusive but does contain the bulk of materials submitted throughout the application process.

Table 1: Background Documents

Title / Description	Date
Photos of Soil Erosion	No Date
Summary of Stormwater Runoff Control Plan, by GFA	03.13.2020
Torch River Engineering Plans: (Cover, Site Plan, Stormwater, Utilities)	03.16.2020
Hydrogeologic Considerations for Septic System; A. Kendall, Ph.D.	10.05.2020
Olson Pzdok Letter	10.06.2020
Engineering Review; ECT, Tonya Lewandowski	10.06.2020
Architectural Plans by Valley Associates	11.19.2020
Antrim County Conservation District Memorandums	11.25.2020
Title / Description	Date

Supplemental Engineering Memo prepared by GFA	01.24.2021
Supplemental Engineering Summary prepared by GFA	01.26.2021
Barr Engineering Review	03.09.2021
Milton Township Fire Department Review	03.29.2021
Beckett & Raeder Technical Review	04.15.2021
Drone Flight Images	05.11.2021
Brewer Property Miller Road Stabilization	06.03.2021

Finding of Facts:

1. **Section 117.1602; a. The proposed use shall be consistent with the adopted Township Master Plan.**

The Milton Township Master Plan includes the subject property in the Village future land use classification. (Commission page 8-1a) The Milton Township Zoning Map classifies this property as V – Village. Further, the V – Village zoning district which allows, with special land use approval, recreational vehicle seasonal parks. (Milton Township, Antrim County page 11-2) As such, the proposed use is consistent with the adopted Township Master Plan.

Status: Satisfied

2. **Section 117.1602; b. The proposed use shall be designed, constructed, operated, and maintained to be consistent with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.**

The proposed project is designed to meet the RV unit density of 10 RV units per acre. This design result was the outcome of the grading and reshaping of the glacier hill, but it certainly doesn't reflect a design that was done addressing the site's unique character. Simply put, the design is a result of meeting the code and not the site elements.

From a technical review, the proposed design has significant problems with hillside and slope stabilization, stormwater retention, and public safety concerns. A Technical Review was completed in April 2021. It included several deficiencies in the site plan (Beckett & Raeder, Inc.), soil erosion and sedimentation and stormwater (Barr Engineering Co.), and public safety and access. (Milton Township Fire Department).

In particular, the public safety review relied on the Standards for Recreational Vehicle Parks and Campgrounds (NFPA 1194) (Technical Committee on Recreation Vehicles) as a basis for the review. Application of these standards will require a redesign of the proposed RV Park.

Another issue that is related to the RV Park design is the accommodation for guest/visitor parking. The Michigan Public Health Code states the RV Park owner shall provide parking equal to 1.5 times the number of sites. (Michigan Department of Environment, Great Lakes, and Energy (EGLE) page 7). The requirement for the Torch River RV Park is 120 spaces (golf carts excluded). The parking space should either be on the RV site or in a separate parking area, but not on any road. The application of this standard would likely result in a decrease in the number of RV sites on the project.

The Applicant has submitted a lease agreement for the seasonal RV user (Torch River RV Park LLC page 7), which enumerates that each site can have ten people during the day and six people overnight. As noted above, the Public Health Code requires 1.5 parking spaces per RV site. It is assumed that 1.0 space is for the RV user and 0.5 space is for guest parking. Available data indicates that the average vehicle occupancy is 1.5 persons per vehicle. (University of Michigan Center for Sustainable Systems) Based on the day and night guests referenced in the lease agreement, the number of additional parking spaces needed depending on the number of occupants per vehicle would range between 120 to 440 parking spaces over and above the 120 required for the RV sites. Although the Public Health Code requires 1.5 spaces per RV site or 120 spaces overall, the parking needed to support anticipated guests ranges between 120 to 440 parking spaces. Without significant redesign, the proposed layout plan for the RV Park could not accommodate the anticipated parking demand.

Table 2: Estimate of Parking Demand

	Parking Estimates							
	Occupants per Vehicle							
	1.5		2.0		3.0		4.0	
D=Daytime Guests N=Night Guests	D	N	D	N	D	N	D	N
Guest per Day / Night	10	6	10	6	10	6	10	6
Estimated Vehicles per Site	7	4	5	3	3	2	3	1.5
RV Sites	80	80	80	80	80	80	80	80
Estimated Parking Spaces	560	320	400	240	240	160	240	120
EGLE Public Health Code	120		120		120		120	
Adjusted Parking Spaces	440	200	280	120	120	40	120	0

The Master Plan and Zoning Map contemplated that the subject property would be part of the Village district. Further, the Zoning Ordinance allows for an RV Park as a special land use in the Village zoning district. However, the Village Zoning District (V) states that the district is to offer pedestrian-oriented, mixed-use buildings that boast architecture complementary to the unique and cherished small-town character of Milton Township. (Milton Township, Antrim County page 11-2) Further, the district purpose notes the intent of the V District is to build upon the existing infrastructure of the Kewadin and Torch River Village communities while accommodating new development of a main street character. (Milton Township, Antrim County 11-2)

Focusing on the intent of the Village Zoning District (V), the proposed project is not pedestrian-oriented; rather, it is vehicular-oriented, and it is not a development typically associated with a main street character. The size and density of the proposed RV park, coupled with the significant disturbance to the natural setting of the general area and the anticipated demand for additional parking, doesn't currently satisfy this standard. It is not to say that an RV park couldn't be developed in the Village Zoning District (V), but the design of the park should reflect the intent and intensity reflected in the general-purpose statement of the district, take into account natural elements of the property, and incorporate realistic guest parking areas.

Status: Not Satisfied.

3. **Section 117.1602; c.** The proposed use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.

A review of events associated with this property and application already substantiates that the proposal has been hazardous and disruptive to adjacent properties. This is evidence by the recent issuance of a soil erosion permit to stabilize the subject property along Miller Road from further degradation. (Antrim County Conservation District) In the summer of 2020, a significant rain event caused soil erosion on the northern portion of the property resulting in soil sedimentation on the adjacent Roote property.

Status: Not Satisfied

4. **Section 117.1602; d. The proposed use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities, and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.**

Essential public services are generally external services used by the proposed project, such as public water and sewer, connection to public stormwater facilities, and gas and electric services. Based on the record, the proposed project will require permits from the Antrim County Road Commission for ingress/egress approach, coordination for electric services, and final review by Milton Township Fire Department. Water, sanitary, and stormwater will be provided on-site. The Applicant, in response to the fire review, has made revisions to the site plan and conceptually designed a secondary emergency access from Miller Road. (Milton Township Fire Department) This is part of the public record but doesn't constitute a complete site plan submittal because the other site components (water, electric distribution, stormwater) need to be revised accordingly to reflect the revised layout.

Regarding traffic, a trip generation analysis was conducted by Progress AE (Progressive AE). The study was based on empirical information from the Trip Generation manual (10th Edition) by the Institute of Traffic Engineers (ITE). The analysis evaluated two different land-use types: RV/Campground and Recreation Home. Based on the analysis, the RV/Campground category would generate 17 AM peak hour trips and 22 PM peak hour trips. The Recreation Homes category generated 18 AM peak hour trips and 22 PM peak hour trips. The report concluded that neither category did not create enough peak hour traffic to warrant a more detailed traffic impact assessment for the subject site. However, the information did clarify that a more precise definition of site visit requirements was needed to determine the number of vehicle trips related to daytime visitors and overnight guests. As noted in Table 2: Estimate of Parking Demand, additional vehicles entering and exiting the site could add to these trip generation numbers.

In summary, the outstanding essential public facilities and services that require further analysis is the project's ability to adequately address the issues noted by the Milton Township Fire Department. Further, although noted in the sample lease agreement, there have been no estimates advanced or agreed upon for the potential number of visitor and guest vehicle parking needed on the property.

Status: Not Satisfied.

5. **Section 117.1602; e.** The proposed use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.

As noted in the other standards, the proposed project is unlikely to require additional public facilities and services. Any impact to adjacent property values due to the development and operation of the RV Park is difficult to assess until such time the real estate market can respond to this condition.

A recent article from the Michigan RV and Campgrounds noted that the 2019 economic impact for RV/Campgrounds was \$1.1 billion for direct and indirect expenditures in Michigan. On average, this would amount to \$7,000 per campsite. (Michigan RV & Campgrounds) Using this data, the proposed 80-unit RV Park could generate approximately \$560,000 in direct and indirect expenditures. Some of these expenditures would likely be spent within Milton Township on food, dining out, gas, supplies, etc.

The infusion of additional dollars into the local market appears to be a positive outcome of the project. However, data is unavailable to assess any detrimental economic welfare, specifically the impact on real estate market valuations on adjacent properties.

Status: Undetermined

6. **Section 117.1602; f.** The proposed use shall not involve uses, activities, processes, materials, and equipment, or conditions of operation that will be detrimental to any person, property, or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.

Campgrounds tend to produce smoke and odors from campfires and cooking, and during certain holidays they will produce noise from fireworks. However, compared to other special land uses in the Village (V) zoning district, a recreational vehicle seasonal park would create no more or less smoke and odors than a restaurant, dry cleaning facility, automotive, ORV, or small engine sales and repair.

Status: Satisfied

7. **Section 117.1602; g.** The proposed use shall ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent areas.

The Milton Township Master Plan describes the natural character of this portion of the Township as; "a high glacial ridge runs along Northwest Torch Lake Drive above Torch Lake, presenting expansive water views, along with other locations, within the Township. The Township also possesses large blocks of upland hardwood forests, diverse wildlife habitat, rolling hills and meadows, wetlands, and prime and unique farmland." (Commission 2-1) In addition, the Master Plan included an Environmentally Sensitive Map which notes that the subject property had steep slopes above 18%. (Tip of the Mitt Watershed Council)

Upon issuing a permit from Antrim Conservation District, the Applicant removed vegetation and proceeded to regrade the top portion of the glacial ridge on the subject property without a special use permit. The aerial photos below, taken via drone in May 2021, show the outcome of this activity.



The Master Plan further stated, "Development that occurs on steeper slopes may require specialized stormwater and erosion control measures, careful grading, and/or enhanced engineering design. Disturbance of hillsides can result in the loss of soil stability, leading to increased erosion potential" (Commission 5-5). The Master Plan also notes that "loamy to sandy soils exist on glacial outwash plains, ridges, and moraines west of Torch Lake. "Loamy" soils are

equal mixes of clays, silts, and sands and are generally considered productive soils. The Antrim County Soil Survey indicates "E" slopes of 18% (approximately 10.2°) to 25% (14°) and "F" slopes of 25% (14°) to 60% (31°) in this and many other areas of the Township. These soils are categorized as "very steep" with a much thinner than typical soil profile and a high susceptibility to erosion." (Commission 5-11) These conditions are present on the subject property.

The site grading was done to maximize the number of recreation vehicle sites allowed by the zoning ordinance (8 RV units per acre) without regard to site topography and vegetation's role in stabilizing the soil. Instead of designing the RV Park with the land, it was designed to maximize the code. This activity resulted in two soil erosion and sedimentation events in July 2020 because of heavy rains, which impacted an adjacent property with soil sedimentation. The regrading of the property and removing vegetation altered the natural character of the property and surrounding area. Efforts are still ongoing to stabilize the property from further erosion.

The soil erosion and sedimentation permits were issued by the Antrim County Conservation District pursuant to Antrim County Soil Erosion Sedimentation and Stormwater Runoff Control Ordinance. As noted in the ordinance,

"A local unit of government, which is not a Municipal Enforcing Agency under Section 9106 of Part 91, or a county agency may not issue a building permit and/or land use permit for an earth change subject to permit requirements until a soil erosion, sedimentation, and stormwater runoff control permit have been issued by the Soil Erosion Control Officer." (Antrim County)

This is a typical provision found in many soils' erosion and sedimentation and stormwater ordinances where a building permit or land use permit is not issued until the County (building permit) or the local unit (land use/zoning permit) have proof that a soil erosion and sedimentation permit was issued.

The normal sequence of events includes:

- a) The Applicant submits their application for special use and/or site plan approval to the local unit (in this case Milton Township).
- b) The Township, as part of their review, would send the application, documents, and drawings to other review agencies (MDOT/County Road Commission, Fire Department, Soil Erosion, etc.) asking for comments.
- c) The Township reviews external agency comments as part of their deliberations.
- d) Upon approval of the special use and/or site plan, the Applicant applies for external agency permits.
- e) Once external agency permits are obtained and copies provided to the Township, then the Zoning Permit is issued.

In this case, the soil erosion and sedimentation permit was issued without the project being approved by the local unit. Soil erosion permits provided by the Antrim County Conservation District note the following activity on the subject property below. Although the permits clearly state that it is the responsibility of the property owner to determine if other permits are needed, including zoning, the process of issuing the soil erosion permit prior to local zoning approval is clearly out of sequence with best practices.

Table 3: Soil Erosion Permits

Permit #	Soil Erosion Permit	Issued
2019-30	Site Work for Campground	05.06.2019
2019-30	Site Work for RV Park	05.06.2019
2020-51	Sculpture and Develop Clear Area for RV Park	04.02.2020
2021-115	Miller Road Stabilization	06.08.2021

A technical review of the soil erosion and sedimentation control plans for the proposed development indicated a number of deficiencies, including the existence of steep slopes (exceeding H:1V). (Barr Engineering Co. page 2) A review of the record does not indicate the existence of a pre-grading site and topographic survey. The absence of this document makes it difficult to verify the amount of soil that was graded and used to sculpture the proposed plateau for the RV Park. The lack of this information also complicates the analysis focused on stormwater control. As a result, Barr Engineering noted, "The existing and proposed watershed maps should be provided by the developer in a format that includes scales and more detailed elevation contours in certain areas of the site to allow for independent verification of the watershed boundaries and areas and, by extension, the appropriateness of the sizing of the proposed stormwater detention features." (Barr Engineering Co. page 3).

The available record, coupled with the technical review and field verification of the site grading, supports that the site was not preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent areas. In fact, the current outcome and conditions suggest that no measures were taken to address this standard.

STATUS: Not Satisfied

8. Section 117.1602; h. The proposed use shall meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and will be in compliance with these standards.

Based on the above findings, the proposed use in its current design does not meet the intent and purpose of the zoning ordinance.

Status: Not Satisfied.

PROPOSED MOTION

I move that the Planning Commission incorporate and adopt Beckett & Raeder's proposed findings concerning the James and Lori Brewer special land use (SLU) application 2020-01. In so doing, the Planning Commission finds that the proposed SLU 2020-01 does not meet the requirements of the Milton Township Zoning Ordinance for a recreational vehicle seasonal park on the property identified as Parcel No 05-12-006-047-00. Therefore, for the reasons set out in the findings and for the reasons set out below, the Planning Commission recommends that the Milton Township Board deny approval of SLU 2020-01:

- 1) The grading and sculpting of the property significantly altered the natural character of the property. Rather than designing the RV park with the land, it was designed to meet the maximum density of the zoning ordinance. Further, the estimated demand for visitor and guest parking far

exceeds the EGLE standard of the 1.5 vehicles per RV unit resulting in a low estimate of 120 additional parking spaces to a high of 440 additional parking spaces depending on vehicle occupancy. As a result, these conditions do not satisfy Section 117.1602; b.

- 2) The grading and sculpting of the property resulted in off-site erosion and sedimentation, which is still in the process of remediation and stabilization. As a result, this activity has negatively impacted the surrounding property and therefore does not meet Section 117.1602; c.
- 3) The design of the original site plan in the application did not adequately address fire safety issues, as noted by the Milton Township Fire Department. Further, on-site parking is deficient and exceeds the number of daytime and overnight guests. These factors have impacts on essential public services and, as a result, do not meet Section 117.1602; d.
- 4) The regrading and sculpting of the site have significantly altered the hilltop and subject site through the removal of trees and soil. Topographic modifications were so severe that erosion and soil sedimentation occurred off-site and are undergoing continued remediation and stabilization. As noted, the proposed use failed to design a project within the site constraints posed by the land and instead opted to maximize the allowable density (RV Unit per acre) in the zoning ordinance. As a result, Section 117.1602; g has not been met.
- 5) The proposed recreational vehicle seasonal park is allowed as a special land use in the Village (V) zoning district. But failure to address some of the standards in Section 117.1602, specifically Section 117.1602;b, Section 117.1602;c, Section 117.1602; d, and Section 117.1602;g means that Section 117.1602; h. is not met.

Works Cited

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- Antrim County Conservation District. "Permit 2019-30, Permit 2020-51. and Permit 2021-115." 2019,2020, and 2021.
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